

**REMARKS**

**Status of the Application**

Claims 1-26 are all the claims that have been examined in the present application. Claims 1-4, 22 and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bui et al. (U.S. Patent No. 6,791,781). Claims 6-9 and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Albrecht et al. (U.S. Patent No. 5,689,384). Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Fasen et. al (U.S. 6,031,673). Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Murphy et al. (U.S. 6,433,949). Claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Cates et al. (U.S. 5,963,400). Claim 10 stands rejected as being unpatentable over Albrecht in view of Cates. Claim 20 stands rejected as being unpatentable over Bui in view of Hennecken et al. (U.S. 6,710,967). Claims 21 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht in view of Kosuge (U.S. 5,353,176). Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht and Kosuge, in further view of Bui et al. (U.S. 6,940,682). Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Fasen (U.S. 6,563,659).

By this Amendment, Applicants are adding new claims 27 and 28.

**Preliminary Matters**

Applicants thank the Examiner for withdrawing the §102(b) anticipation of claims 6 and 12 over Bui.

**§102 Rejections**

*Claims 1-4, 22 and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bui et al. (U.S. Patent No. 6,791,781).*

Claim 1 recites, in part, “wherein data is embedded in a servo signal written on one of the servo bands, and the data is for specifying the servo band where the servo signal positions.” In the Response to Arguments on page 8 of the present Office Action, the Examiner takes the position that “Applicants argue that Bui et al. does not teach in claim 1 ‘that it is necessary for two bands to be read simultaneously to specify where the servo signal positions. Reading two bands is not the claimed invention in claim 1.’ However, this limitation is not in claim 1.” Applicants respectfully submit that the Examiner has mischaracterized Applicants’ argument with respect to Bui as the reference relates to claim 1. The Examiner seems to state that the argument presented in the Argument filed December 2, 2005 is unpersuasive because Applicant argued a limitation that is not present in the claim language. However, the argument presented with regard to claim 1 actually argues that Bui fails to teach the use of only one servo band, as Bui teaches that two servo bands must be read simultaneously.

Applicants therefore submit that Bui fails to teach that the data for specifying the servo signal positions are written on one of the servo bands. Bui teaches that data is embedded in each of five servo bands. However, to specify the servo signal positions, data on two servo bands must be utilized. See Bui, col. 8, lines 11-22. Bui fails to teach that the data for specifying the servo signal positions are written on *only* one of the servo bands. Further, col. 7, lines 55 - col. 8, lines 38 of Bui discloses the positioning of the servo head as it relates to the writing of the servo bands. This is irrelevant to claim 1. Claim 1 recites that data is embedded in a servo signal written on one of the servo bands, not how the servo head is positioned during the writing

of the servo signals on the bands. Therefore, claim 1 is patentable over the applied art. Claim 22 recites the use of a single servo band more particularly and is clearly patentable over the dual-band servo feature of Bui.

Claims 2-4, 22 and 25 are patentable at least by virtue of their dependency from claim 1. Additionally, the Examiner did not respond to the arguments presented with regard to claim 3 on page 10 of the Amendment filed December 2, 2005. MPEP §707.07(f) requires that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant’s argument and answer the substance of it.” Because the Examiner has not properly responded to the arguments presented as to claim 3, those arguments remain unrebutted, and dependent claim 3 is allowable at least for those reasons previously of record.

**§102(b) Rejection**

*Claims 6-9 and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Albrecht et al. (U.S. Patent No. 5,689,384).*

Claim 6 recites, in part, “specifying the servo band where the servo signal positions based on the data.” The Examiner argues that Albrecht teaches this aspect of the claimed invention, citing FIG. 2 and col. 5 line 41 to col. 6, line 18 for support. Applicants respectfully disagree. Albrecht teaches a servo read head, which reads a servo pattern to detect magnetic flux transitions and generates an analog signal, that is provided to a signal decoder. The decoder then generates a position signal, which is then delivered to a servo controller. The controller monitors the position signal, and generates a control signal necessary to reach the desired position, so that the control signal equals the signal when the head is at the desired target.

The claimed invention reads data embedded in a servo signal written on one of the bands for specifying the servo where the servo signal positions, and specifying the servo band where the servo signal positions based on the data. In other words, the claimed invention specifies the servo band based on the read data. Albrecht teaches reading the position on a servo band, not specifying the servo band. As such, Albrecht fails to teach all of the limitations of claim 6, and therefore cannot anticipate claim 6. Claim 6 is patentable over the applied art.

Claims 7-9 and 11 are patentable at least by virtue of their dependency from claim 6. Claim 8 is also patentable for reasons independent of its dependency. Claim 8 recites, in part, “the data is embedded in the servo signal by varying a width of a pair of nonparallel stripes.” Albrecht teaches that the width of each of the stripes is constant, even though the spacing between stripes may vary. Thus Albrecht fails to teach the limitation of claim 8.

Claim 12 recites a similar limitation as that found in claim 6. For reasons analogous to those presented for claim 6, claim 12 is also patentable over the applied art. Claim 13 is patentable at least by virtue of its dependency from claim 12.

**§103 Rejections**

A. *Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Fasen et. al (U.S. 6,031,673).*

Claims 17-19 are dependent from claim 1. Because Bui fails to teach all of the aspects of claim 1, and because Fasen fails to cure the defects noted in Bui, claims 17-19 are patentable at least by virtue of their dependency from claim 1.

B. *Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Murphy et al. (U.S. 6,433,949).*

Claims 14-16 are dependent from claim 1. Because Bui fails to teach all of the aspects of claim 1, and because Murphy fails to cure the defects noted in Bui, claims 14-16 are patentable at least by virtue of their dependency from claim 1.

*C. Claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Cates et al. (U.S. 5,963,400).*

Claim 5 is dependent upon claim 1. Because Bui fails to teach all of the aspect of claim 1, and because Cates fails to cure the defects noted in Bui, claim 5 is patentable at least by virtue of its dependency from claim 1.

*D. Claim 10 stands rejected as being unpatentable over Albrecht in view of Cates.*

Claim 10 depends from claim 6. As noted above, Albrecht fails to teach all of the aspects of claim 6. The Examiner also concedes that Bui fails to teach all of the aspects of claim 6 on page 8 of the present Office Action. Because Bui and Albrecht fail to teach all of the aspects of claim 6, and because Cates fails to cure the defects in both Albrecht and Bui, claim 10 is patentable by virtue of its dependency.

*E. Claim 20 stands rejected as being unpatentable over Bui in view of Hennecken et al. (U.S. 6,710,967).*

Claim 20 is dependent from claim 1. Because Bui fails to teach all of the aspects of claim 1, and because Hennecken fails to cure the defects noted in Bui, claim 20 is patentable at least by virtue of its dependency from claim 1.

*F. Claims 21 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht in view of Kosuge (U.S. 5,353,176).*

Claims 21 and 24 are dependent from claim 12. Because Albrecht fails to teach all of the aspects of claim 12, and because Kosuge fails to cure the defects noted in Albrecht, claims 21 and 24 are patentable at least by virtue of their dependency from claim 12.

*G. Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Albrecht and Kosuge, in further view of Bui et al. (U.S. 6,940,682).*

Claim 23 is dependent from claim 12. Because Albrecht fails to teach all of the aspects of claim 1, and because Kosuge and Bui fail to cure the defects noted in Albrecht, claim 23 is patentable at least by virtue of its dependency from claim 12.

*H. Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bui in view of Fasen (U.S. 6,563,659).*

Claim 26 is dependent from claim 1. Because Bui fails to teach all of the aspects of claim 1, and because Fasen fails to cure the defects noted in Bui, claim 26 is patentable at least by virtue of its dependency from claim 1.

### **New Claims**

Applicant have added new claim 27 and 28 in order to further describe aspects of the present invention. Claims 27 and 28 are dependent from claim 1 and 6, respectively, and are patentable at least by virtue of their respective dependencies.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application no. 10/823,675

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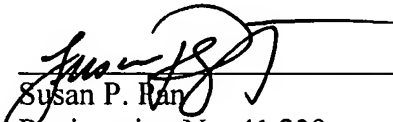
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